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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,444	11/08/2001	Bassam H. Chamas	7707.0018	5272

7590 12/29/2004  
Finnegan, Henderson, Farabow,  
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EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT	PAPER NUMBER
2636	

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/986,444

**Applicant(s)**

CHAMAS ET AL.

**Examiner**

John A. Tweel, Jr.

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This Office action is in response to the amendment filed 8/26/04.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Briffe et al** [U.S. 6,057,786].

For claim 15, the airspace navigation system taught by **Briffe** includes the following claimed subject matter, as noted, 1) the claimed navigation data module is met by the modular avionics units (Nos. 65a-65d) in conjunction with the communications bus (No. 66) that receives navigation data, 2) the claimed controller is met by the flight management system computer (No. 63) that receives said navigation data, and 3) the claimed display is met by the primary flight display (No. 22) seen in Figure 5 that depicts both a horizontal mode and vertical mode in response to navigation data.

For claim 16, the system of **Briffe** uses GPS signals (Col. 5, Ln. 3).

For claim 17, the system of **Briffe** displays weather-radar images.

For claim 18, the system of **Briffe** receives data from the avionics system of the aircraft.

For claim 19, the system of **Briffe** receives data from communications receivers (Col. 5, Ln. 4).

For claim 20, the system of **Briffe** includes a CD-ROM reader (No. 67).

For claim 21, the system of **Briffe** includes a radio interface (No. 69).

### ***Response to Arguments***

#### ***Argument 1:***

“Examiner has not shown that Figure 5 in Briffe et al. discloses at least ‘a display to provide the navigation data in a horizontal mode and a vertical mode’ as recited in claim 15. (emphasis added). Therefore, the Examiner has not shown that Briffe et al. teaches every element recited in Applicants’ independent claim 15, and the 102(b) rejection of claim 15 should be withdrawn.”

4. Applicant's arguments filed 8/26/04 have been fully considered but they are not persuasive.

#### ***Response to Argument 1:***

A  cursory glance at Figure 5 of the **Briffe et al** reference plainly shows two modes of navigation display. The top half of the display depicts a horizon display with associated navigation data, plainly showing a horizontal mode. The lower half depicts navigation data from a view looking directly down at the plane with navigation data and waypoints, plainly showing a vertical mode. Furthermore, as the terms “vertical mode” and “navigation event” are extremely broad terms that can read on a myriad of aircraft data, the above rejection is deemed correct and proper.

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5. Claims 1-14, 22, and 23 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter:

Each allowed independent claim presents an unobvious combination of subject matter; that is, displaying airspace navigation information in a first mode, detecting a navigation event, and automatically displaying airspace navigation information in the existing first mode and at least one additional mode in response to said navigation event. The rejected independent claim above does not contain this particular combination and is easily rejected using the above prior art.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 571 272 2969. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on 571 272 2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAT  
12/21/04



JOHN TWEEL  
PRIMARY EXAMINER